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Title:

Speech at the University of Adelaide, subject Electoral Reform

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SPEECH BY THE HON. DON DUNSTAN, Q.C., M.P.

AT THE UNIVERSITY OF ADELAIDE ON 10.4.68

SUBJECT: ELECTORAL REFORM

The result of the State elections in South Australia has caused widespread dismay and revulsion amongst people of all political views throughout the Commonwealth. Indeed, every major conservative newspaper, every daily newspaper in fact in Australia has editorialized against the result of the election in South Australia except the Adelaide "Advertiser": that includes major newspapers which are shareholders in the "Advertiser" such as the Melbourne "Herald", and "The Courier Mail".

The principles of democracy are clear. Democracy means people's rule. Representatives of the people are elected to Parliament to represent people not wealth, not interests, not positions, and not the space between people. As each citizen has to live under the law, he should have an effective voice equally with every other citizen in what that law should be. Nobody alleges that every citizen is equal in abilities, but the one protection given to a citizen in a democracy is that as a citizen he should have equal rights before the law with every other citizen. That principle was clearly established in elections for the House of Assembly when the Constitution of the House of Assembly was drawn up in the last century. Every elected member of the original constituent body

elected under the 1848 Act for the better government of the colonies to draw up a Constitution for South Australia voted for a resolution proposed by George Strickland Kingston that the basis of elections for the House of Assembly should be manhood suffrage with a secret ballot and that representatives should be elected for districts containing substantially equal numbers of voters. That latter principle was not written into the Constitution but into the Electoral Act, and no provision was made at that time for periodic redistribution of electorates through changes of population. Thus it came about that through changes of population, conservatives at certain stages obtained dominance in the House of Assembly through inequality of voting rights as between citizens and used that power to give weighted votes to certain areas of the State. In the present-day community there is no justification for a substantial weighting of votes in favour of citizens who live here as against citizens who live there. The principle of one vote one value based upon having substantially equal electorates with no departure to any marked degree from the quota for electorates is now accepted in most democracies as axiomatic. As I shall tell you in a few moments, the Labor Party throughout its history has struggled to return the electoral system of South Australia to the principle of one vote one value upon which the Constitution was founded originally, and there has been no Parliament in which the Labor Party has been represented since the beginning of this State where attempts were not made

by the Labor Party to this end. We have, however, been blamed by the Leader of the Opposition (Mr. Hall) for the present system and for much else, and therefore I propose to reply to the things which he has had to say. At times, I wonder whether he thinks we have been living in some other country from himself, or whether he dwells permanently in orbit and in consequence is not able to grasp the facts plainly before him, because, as I will show, his statements are so plainly inconsistent with the facts that one is sometimes left mouthing in speechless wonder. Mr. Hall has said that before the elections I was not interested in one vote one value and indeed said nothing about it. This was only some cry which I had resurrected once the election result was known. He has said that the A.L.P. at this election only received 50.7% of the votes and then by some sleight of hand in juggling with figures suggested that the difference in percentage between the Labor Party and the L.C.L. was but slight. He has said that the Labor Party was responsible for the present system because, firstly, it voted for it in 1955 and, secondly, it has remained utterly inflexible and unreasonable, unwilling to compromise in any way. He has said that under the proposal of the Labor Party for electoral reform, the Labor Party would win if it retained its present support though he did not add, of course, that it would still require a very substantial majority over the Liberal Party to win and that the Liberal Party could be elected under his system with a substantial minority vote.

Having accused us of inflexibility when we put forward a compromise proposal, he said it was interesting that we were prepared to show some interest in compromise but that he would not discuss the matter until he had introduced his own Bill to the House. He then had one of his lieutenants show a great concern for my safety in the Labor Party by saying that I was breaking my pledge to the Labor Party by putting forward the proposal. That, of course, was complete nonsense but that is not unusual from that particular gentleman.

Now let me give you the history of the Labor Party's activities in Parliament and what has been done by the Liberal Party since 1953 to show you whether or not we have been interested in one vote one value previously, and whether or not we have been "inflexible" in our attitudes.

August 19th. 1953.

Mr. O'Halloran moved the second reading of a Constitution Act Amendment Bill "to enable the people of South Australia to elect the Government they want and reject the Government they did not want". The Bill was designed to redistribute the State into nine 5 Member Districts for the House of Assembly and three 6 Member Districts for the Legislative Council and provided for Elections to be held for both Houses on the basis of proportional representation. The Bill was rejected on the second reading 19 votes to 17 with Messrs. Stott and Quirke voting with the Labor Opposition.

September 1st, 1954.

Mr. O'Halloran moved the second reading of another Constitution Act Amendment Bill to abolish the convention of prescribing Electoral Districts in the Constitution Act itself and to substitute the principle of automatic and disinterested revision of Districts as circumstances required and to give specific recognition to the claims of sparsely populated areas. Districts were to have 3 Members each, elected on the basis of proportional representation. He also proposed to increase the number of Members of the Assembly from 39 to 45. The Bill lapsed.

October 19th, 1954.

Sir Thomas Playford introduced an Electoral Districts (Redivision) Bill to provide for the establishment of a Commission to report upon the redivision of the State into Electoral Districts, maintaining the existing ratio of 26 country Seats to 13 metropolitan Seats. The Bill passed the House on the second reading despite opposition from the A.L.P. and Mr. Stott.

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Sir Thomas Playford moved the second reading of a Constitution Act Amendment Bill (Electoral Boundaries). This Bill provided for alterations in the Electorate as recommended by the Commission set up under the previous Bill. The Opposition although it had bitterly opposed

the terms of reference given the Commission supported the Constitution Act Amendment Bill.

September 3rd, 1958.

Mr. O'Halloran moved a motion "that in the opinion of this House a Royal Commission should be appointed -

- (a) to recommend to the House during the current Session new boundaries for Electoral boundaries for Electoral Districts for the House of Assembly to give specific effect to the principle of one vote one value;
and
- (b) to consider in the preparation of such Electoral boundaries the advisability of providing for multiple Member Districts."

The motion was defeated 19 votes to 15 with Quirke and Stott supporting the Playford Government.

August 19th, 1959.

Mr. O'Halloran moved "that in the opinion of this House a Royal Commission should be appointed -

- (a) to recommend to the House new boundaries for the Electoral Districts for the House of Assembly to give specific effect to the principle of one vote one value;
and
- (b) to report on the advisability of increasing the number of Members of the House of Assembly".

This motion was also defeated 19 votes to 16 with Mr. Quirke supporting the Playford Government and Mr. Stott being absent.

August 31st, 1960.

Mr. O'Halloran moved "that in the opinion of this House the Government should take steps to readjust the House of Assembly Electoral Zones and the boundaries of Electorates to provide a more just system for electing the House".

This motion was defeated 17 votes to 16 with Messrs. Quirke and Stott supporting the Labor Opposition.

April 12th, 1962.

Mr. Frank Walsh successfully moved for the suspension of Standing Orders to enable him to introduce a Bill to provide electoral equality for the citizens of South Australia and effective deadlock provisions between the Houses of Parliament. The objective of the Bill was to increase the size of the House of Assembly from 39 to 56 Members to be elected on the basis of one vote one value, while still preserving substantially the same country representation. The Bill was rejected on the second reading 19 votes all with Mr. Stott, as Speaker, casting his vote in favour of the "noes".

October 23rd, 1962.

Sir Thomas Playford introduced an Electoral Districts (Redivision Bill) which had the effect of providing and I quote Sir Thomas Playford - "that rural industries would have 20 Seats and other industries 20 Seats". The Commission was also given discretion to use two additional Seats for non-rural areas in the country if it desired to do so. The Bill, despite our opposition, passed all stages on the casting vote of Mr. Stott as Speaker.

The Electoral Boundaries Commission Report was laid on the table by the Speaker on October 24th, 1963.

February 20th, 1964.

Sir Thomas Playford introduced a Constitution Act Amendment Bill (Electoral) to give effect to the Commissioners' recommendations. It was proposed by this Bill to increase the number of Members of the House of Assembly from 39 to 42 and establish new Assembly Districts as recommended by the Commission. Secondly, it was proposed to increase the number of Members of the Legislative Council from 20 to 24 and thirdly, to entitle spouses of persons then entitled to vote for the Legislative Council to enrol and vote.

February 25th, 1964.

The Bill was defeated on the second reading, 19 votes in favour, 17 votes against, when Mr. Stott, as Speaker,

ruled that as the Bill was a Constitutional provision it had failed to obtain an absolute majority in its favour and, therefore, could not be proceeded with any further.

July 1st, 1965.

As the first Bill introduced by Labor, as a Government, Mr. Frank Walsh introduced a Constitution Act Amendment Bill to provide for a 56 Member House of Assembly based on the principle of one vote one value; that in making this provision there would be no decrease in the numbers of country Members; that there would be adult suffrage for the Legislative Council and one vote one value for that House, and effective deadlock provisions similar to those existing between the House of Commons and the House of Lords. The Bill passed all stages in the Lower House on February 2nd, 1966 when the third reading was carried.

February 16, 1966.

The Bill was rejected at the second reading by the Legislative Council 14 votes to 4.

Finally, as to the result of the election, Mr. Hall has published some figures as to the voting results of various parties. These are percentage figures. If you add them up they don't come to 100% and normally, of course, percentages are taken to be parts of 100. Mr. Hall appears to have got to the figures which he is bandying about by two means. One is to take the formal vote for each party as a proportion not of the total formal vote but of the total votes cast including the informal ones. Having started out in that

way, he then got some of his arithmetic wrong as well. In fact, the Labor Party received in excess of 52% of the vote. The Liberal Party received 43% of the vote, and the others, in total, something over 4% of the vote. With this 4%, Mr. Hall has tried to make some capital saying that the Liberal Party would have got the most of these. Of the other Parties running, the only Party directing its preferences to the Liberal Party was the D.L.P. which received only 1.6% of the total vote. Even then its directions were inadequate as although the D.L.P. paid a number of people to go on polling booths, there were a number of areas where "How to Vote" cards were not distributed, and in one district where their preferences were counted, the Labor Party got better than one-third of them, so there is little comfort to Mr. Hall here.

The Labor Party obtained over 9% more votes than the Liberal Party and nowhere in Australia, other than in South Australia, could that result in the Labor Party's being defeated or any other Party being defeated which obtained so much greater proportion of the votes.

There has, of course, been a statement made by Mr. O'Halloran Giles, member for Angas, who changes his statements very frequently concerning this matter. He did, of course, say that he considered a proposal of four State seats for every Federal seat upon the redistribution

basis which would be a fair compromise in South Australia, and when that was advanced by the Labor Party here in South Australia as a fair compromise, he showed every evidence of embarrassment.

There have been various excuses given by the Liberal Party for this attitude in favour of a weighted country vote. Mr. Hall has said that there is such a principle of one vote one value, and that is right, but that it cannot be applied. In the same way, he said that adult suffrage for the Upper House must come, but not yet.

Sir Thomas Playford was much more adept at producing excuses for the present system, in merely saying that it was inappropriate at the present time to alter to one vote one value. He said there was no such principle as one vote one value at all, that you didn't elect Governments by counting heads and that it was proper that people in the country who produce the State's wealth should have more say in the State than the people who lived in the city and did not produce as much of the State's wealth. Unfortunately for him, that argument is no longer a tenable one since 61% of the State's net value of production annually is factory production, and pastoral pursuits and agriculture only account for 14% and 12% respectively. Then he changed and said that rural production was responsible for the major export income of

South Australia. Why export income should count more than import replacing income he didn't tell us, and why, at any rate, one should base the electoral rights upon commodity production when nearly 60% of the population is not engaged in commodity production at all and such a principle would disfranchise all university staff, all teachers, all the professions, and all those engaged in service industries and commerce, has never been explained either. The real explanation for the Liberal Party's utter refusal to adopt any reasonable proposal at all which would allow the majority of citizens in South Australia to elect a Government it wants or reject a Government it does not want is because otherwise they would be out of office. It is upon this cynical basis alone that the present system remains and that nothing has been put forward by the Liberal Party which would allow citizens anywhere in the State to count themselves as equal in the law with every other citizen.

I can assure you that the Labor Party intends to continue the fight for electoral justice in this State. We have been prepared to be flexible and to compromise, to do everything we can to get a reasonable improvement, and to fight all the time for justice for the citizens of this State. We have not failed to do so in the past and we shan't falter in the future.

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